IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

VICKY CELESTINE §

VS.

§ CIVIL ACTION NO. 1:08cv723

THE STATE OF TEXAS §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Vicky Celestine, proceeding *pro se*, filed what has been construed as a motion seeking an extension of time to file a petition for writ of habeas corpus. The court referred the matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this filing be dismissed without prejudice for lack of subject-matter jurisdiction.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. No objections to the Report and Recommendation were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this filing.

SIGNED this the 17 day of February, 2009.

Thad Heartfield

United States District Judge